

EXHIBIT D

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY P. TURANO,
Petitioner

v.

CIVIL ACTION NO.:
03-40188-EFH

DAVID L. WINN, Warden, Federal
Medical Center, Devens,
Respondent.

ORDER OF DISMISSAL

January 7, 2004

HARRINGTON, S.D.J.

The Court grants the dismissal of the Petition of Anthony Turano pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The petition challenges the date on which Turano would be released to community confinement. The petition is dismissed because it fails to state a claim. See Goldings v. Winn, et al., Civil Action No. 03-40161-WGY, Memorandum and Order, dated October 23, 2003. The new policy announced by the Bureau of Prisons in December, 2002 with respect to community confinement correctly applied the relevant law, in particular, Title 18, United States Code, Section 3624(c). The petition is hereby dismissed.

SO ORDERED.

/s/ Edward F. Harrington
EDWARD F. HARRINGTON
United States Senior District Judge